

**Minutes of the Carlisle Board of Health
May 20, 2014**

Present: Bill Risso (Chairman), Catherine Galligan, Vallabh Sarma, Lee Storrs; Donna Margolies was absent. Also present: Linda Fantasia, Health Agent, David Estabrook (MDPH Intern) and Alex Brewster (Mosquito);

Mass. Dept. of Public Health (MDPH) Intern – Risso introduced David Estabrook to the Board. Estabrook is a Masters in Public Health candidate at the UMass Amherst. The internship is sponsored by MDPH and also a U. Mass degree requirement. Estabrook will be looking at cancer incidences for the town using available data sources. The internship will result in a final report to the Board and an explanation on how to interpret the data collected by the state. The Board welcomed Estabrook.

MINUTES – **It was moved (Galligan) and seconded (Storrs) to approve the minutes of 5/8/14 as amended. Motion passed 4-0-0.**

BILLS – An invoice was submitted for office supplies needed for the Middlesex Tick Task Force activities; a portion of this was covered by a store credit. **It was moved (Galligan) and seconded (Sarma) to approve the bills as presented for payment. Motion passed 4-0-0.**

ADMINISTRATIVE REPORTS

Region 4A Tabletop Exercise – Fantasia, Lyman, Risso and Estabrook attended. The exercise involved a measles outbreak and dealt with risk communication and continuity of operations. Approximately 40 people attended including MDPH epidemiological staff. The Framingham Health Department talked about their experience with a measles case last February. Recommendations for the Board to consider include: establish a designated landline (different phone number) that could be used to field calls during an emergency; develop Public Health Twitter and Face book accounts (need town to develop policy); check with school on staff immunization requirements. Yale New Haven Center for Emergency Preparedness is preparing an After Action Report.

Risso added that towns should have Memoranda of Understanding (MOU's) for purchasing of food and water for a shelter. Make it clear that media cannot wander through Town Hall. Many towns have a self-sustaining reserve account for supplies instead of using the Board's operating account. Estabrook said he had obtained a draft copy of the Framingham social media policy which he will provide to the Board. He also plans on checking with the Gleason Library which uses Facebook and Twitter. The Board noted that the idea of utilizing social media during emergencies was brought before the Selectmen a few years ago but they were not interested. The popularity of social media has now grown and the Board agreed that the Selectmen should be asked to reconsider their position.

Public Health Emergency Preparedness (PHEP) – Carlisle spent \$4157.43 of its \$4200 local allocation on Emergency Handbooks, phone and iPad, memberships, medical supplies. Each town can now submit for a final \$225.00. This will be used to cover mileage expenses to conferences. The fiscal year ends 6/30/14. Additional funds can be used to purchase disposable pillows for shelters.

Arbovirus Surveillance and Response Plan 2014 – a summary of the state response plan was distributed.

CHNA 15 Showcase –Lahey Clinic May 15th. Fantasia attended and obtained a catalog of grants funded.

Owner's Certification - Board reviewed the form. A construction permit will not be released or work allowed to start without the owner's signature on the form. The Board will need to collaborate with Building Dept. on additions since this does not require a construction permit from the Board of Health.

95 Hanover Road – Mike Moreshead, installer, called to renew his license. Work may be starting on the site. The bed was left partially filled with sand and uncovered over the winter. It needs to be inspected for debris. The Board agreed that the design engineer needs to check the bed and verify that the system stakes are still in place. Rob Frado will also need to inspect the site prior to continuing work. A letter will be sent to the owner.

Winter Installation Extensions – Fantasia reported that a number of the sites were allowed to continue work in December because the builders/installers reported the owners needed to move in quickly still have not applied for Occupancy Permits. Three are doing so this week and asking for last minute servicing. The Board agreed that this was not the information presented last fall. The extensions caused a lot of disruption to the office and consultant, even requiring their having to change holiday vacation plans. The process was cumbersome. Although some requests were justified, others could probably have been delayed. The Board will reconsider its policy next year. Fantasia suggested that systems not be allowed to start in November. It is unrealistic to expect a Certificate prior to the end of the month. The Board agreed that work on systems must be started prior to November 1st. Fantasia also reminded the Board that it had established a policy requiring 7 days' notice for obtaining a Certificate of Compliance. Frequently this happens without sufficient time for signatures, final file review and considering the part-time hours of the Building Department. A notice will be posted on the counter.

Ongoing:

- Non-Compliance Tickler file – September
- Visitor log tally – tabled
- Annual Goals – tabled
- Revised Well Application - check with Well Inspector
- Mosquito Control History Project - June
- Office Tour and Emergency Procedures – to be scheduled June meeting
- Registered Marijuana Dispensary (RMD) local health regulations - tabled

Board reorganization - will be at the first meeting in June.

BENFIELD FARMS – At the last meeting the Board had agreed to accept the septic reserve account as currently established. NOAH has been notified. A revised Operations Manual (O&M) had been submitted. Frado reviewed the technical specifications for the alternative (I/A) technologies, warranties and emergency procedures. Fantasia said the Emergency Contact list needs to be updated; the emergency plan is not officially in effect until signed by Toby Kramer of NOAH, and the I/A systems vendors and service contractors. Obtaining the missing information should not delay the Certificate of Compliance. The document will be released when the information is received. There is a small balance due for engineering time for April. The latest water tests were satisfactory. The filtration company has been servicing the equipment. The water is no longer cloudy. The system will continue to be monitored but at the present time does not pose a health risk to the tenants. The Board agreed that it was satisfied and very pleased with the overall cooperation of the management company in meeting all of the Board's conditions.

It was moved (Storrs) and seconded (Galligan) to issue a final Certificate of Compliance for 575 South Street, Benfield Farms Development, with the condition that the Certificate will be released once the final O&M signatures are submitted and all outstanding engineering costs paid. Motion passed 4-0-0.

1075 CURVE STREET – Title 5 Enforcement Order. Owners Debra and Phil Hussey, and Joe March of Stamski & McNary (SMD), were present. The issue involves a failure to comply with the Board's conditions relative to two Title 5 setback variances granted under Local Upgrade Approval for an addition constructed in 2011. The new foundation is positioned 6' from septic tank (10' required) and 14' from leaching trench (20' required).

March explained that his firm was asked to prepare a site plan for the addition in 2011. They did not consider it a septic plan. The granting of the setback variances was conditional upon installation of a poly-barrier between the tank and the foundation. The barrier was never constructed. March said the Board's letter of approval references a construction plan. They do civil engineering. The owners are in the process of having the barrier constructed now. Storrs said the builder also claimed he did not know about the conditions. It was unclear to both builder and engineer who was responsible for satisfying the conditions. March said that although his firm was copied on the letter of approval, it is the owner who is ultimately responsible for permit conditions. Risso said the Board is considering having conditions listed on the plan. March thought this was a good idea. He liked the Board's new owner certification form which makes it clear to owners that they are responsible for informing contractors of permit conditions.

In response to March's comments, the Board noted that a representative from Stamski & McNary attended the public hearing and presented the variance requests on behalf of the clients. Everyone at the meeting was aware of the conditions. March said he did not consider the addition foundation to pose a risk to the system. Fantasia reported that Rob Frado had just inspected the barrier and trench. He was concerned about the proximity of the work to the leaching area. He observed black stone along the side of the trench excavation, indicating that it was very close to cutting into the leaching trench. He allowed it to be backfilled immediately because it was so close to the system and the excavation kept closing in because it was mainly sand. Frado told Fantasia that he would not have recommended that the Board approve the addition. Fantasia also noted that the distance to the tank and leaching area were called out on the initial site plan. The builder should have known that these were within the Title 5 setbacks and should have asked about Board of Health approvals.

Galligan reminded the group that under Title 5's Maximum Feasible Compliance formula (15.405(1)) the waivers granted are not minor. They are among the last that a Board should consider granting. Risso pointed out that the Building Application, which was signed by the owner and builder, checked that there were no Title 5 issues. He suggested that the form, which is completed by the builder, should be defaulted to "yes". This would require the Board of Health (staff) to sign off on every application. Along with the new Owner's Certification, this would help to avoid future enforcement issues.

The Board then discussed whether to issue a fine and to whom. Storrs did not believe the mistakes were intentional although professionals should have known better. It was unfortunate that the conditions were not on the plan. The Board agreed that there was definitely a breakdown in communication. The Board's letter was not mailed to the builder because he was not identified at the time of the hearing. The owner should have given the letter to the builder. March again said the condition mentions a construction plan which they do not prepare. Galligan said that the incorrect label was inconsequential. All parties understood that it the plan was for the polybarrier. Fantasia said the polybarrier became part of the septic system when the variances were granted. It would have engineering construction requirements. A plan would only be acceptable to the Board from a civil engineer and only a licensed installer would be allowed to construct it. The barrier would also be inspected by the Board's consultant and an engineered as-built would be required.

Phil Hussey said the builder hired SMI. It may not have been intentional but the extra work has cost \$5000. If it had been done during construction the cost would only have been around \$1500. A deck and steps had to be removed and rebuilt since the barrier extends beneath the deck. Fantasia said the installer was only hired last week. Galligan said SMI has a long standing reputation in town and it is disappointing if something was dropped. Fantasia noted that the letter of approval specifically referenced a poly barrier which requires Title 5 engineering and the two Title 5 variances were listed on the initial site plan. March agreed.

A considerable amount of staff time was required to review the file, notify the parties involved, and move the process forward. This caused a delay in processing five other septic permits. The Board was unhappy that the enforcement issue resulted in delays for other applicants who had followed procedures. Board members felt that there should be a consequence. Storrs was also concerned about preventing a reoccurrence. The Board agreed to reconsider its approval process and felt the best way to address conditions is to put them on the plan.

March continued to argue that the term construction plan was confusing. Risso noted that their representative had presented at the public hearing wherein the variances were granted and conditioned. There was clear knowledge of the Board's expectations. It was up to SMI to add the conditions to the plan. March felt the circumstances were unique due to the fact that no work was being done on the system but only to the house foundation. Galligan felt the terms of the variances were clear from the meeting even if the language was not. There should have been no misinterpretation of the Board's intent. March said his firm has never had complaints from the town and can be trusted to do good work. Galligan asked if he had suggestions on how to prevent future problems. March suggested making owners aware of their responsibilities along with hired contractors. The town could also establish a stricter building application procedure that requires Board of Health sign off. Approval of the site plan was based on all conditions being met.

Debra Hussey said there should have been more safeguards. They have been living in the house for two years and are very thankful that there were no contamination problems. The barrier is now being taken care of. Risso asked

the Board who should be fined: SMI, homeowners, or builder. It appears to have been an honest mistake. Galligan felt a single day's fine of \$300 (Title 5) fine would be appropriate. Sarma agreed. Storrs was uncertain and Risso did not feel a fine was warranted. Galligan noted the considerable time spent by the Board of Health agent which should have been spent on regular duties. March offered four hours of in-kind engineering services from his firm. The Board accepted the offer and agreed this would close the enforcement issue. Fantasia said that she had called the Title 5 Inspector since the report documenting the system had passed was incorrect. He had not returned the call. The Board did not think this needed additional follow up since it was beyond the scope of a typical inspection. Inspectors are mainly interested in the components in the field and rarely do complete file reviews. The Board agreed a letter to the Inspector would be sufficient to close the issue.

The Board agreed to speak with the Building Inspector about changing the building application so that it defaults to "yes" for Title 5 issues. Risso will also talk with the Town Administrator on how to improve inter-departmental communications. The Board has started including a Certification form in the owner's letter of approval. Installers are required to sign a similar form prior to receiving a plan of record or starting work. This system has worked well to make installers aware of special conditions.

DISCUSSION ITEMS

Bi-Annual Well Testing – 19 households and 5 center wells were tested on 5/17/14. Results are not yet available. No monitoring wells in the center were tested. Most of these are no longer accessible.

FY14 Budget – Galligan reported that the operating account appears to have sufficient funds through 6/30/14. The revolving account is well funded. It does not appear that spending will exceed the \$50,000 cap. The Board discussed whether the cap should be raised as activities become more expensive. The Board can always request approval from the Selectmen to increase the spending amount. Galligan suggested monitoring for a few years.

Sharp Containers – available for purchase at \$4.50. Sharps will be collected at the Hazardous Waste Collection.

NEW BUSINESS

Garrison Place (formerly Carlisle Meadows) – A site visit is scheduled for 5/22/14 at 7:30 am. The Planning Board is suggesting the town establish a Town Advisory Committee (TAG) for the project. Risso asked if any Board member would be interested in attending and participating on the committee. Board members were unable to commit. Risso agreed to attend.

There was no further business. Meeting voted to adjourn at 8:40 pm.

Respectfully submitted,

Linda M. Fantasia, Recorder